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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 LENIER RENE AYERS,

12 Plaintiff,

13 v.

14 HENRY RICHARDS, *et al.*,

15 Defendants.  
16

Case No. C08-5390 BHS/KLS

ORDER REGARDING  
DEFENDANT GRIFFITH'S  
MOTION FOR SUMMARY  
JUDGMENT AND STRIKING  
NOTING DATE

17 Presently pending before the Court is Defendant Randall Griffith's motion for summary judgment.  
18 Dkt. # 69. In that motion, Mr. Griffith refers to Exhibits A through F, but those exhibits were not filed  
19 with the Court. *Id.* In addition, counsel filed an Affidavit in support of Mr. Griffith's summary judgment  
20 motion, but it is not signed by Mr. Griffith. Dkt. # 70. The Court is unable to determine the merits of  
21 Defendant Griffiths motion based on the record now before it.

22 Accordingly, it is **ORDERED**:

- 23 (1) Defendant Randall Griffith shall re-file his motion for summary judgment, with  
24 appropriate exhibits and signed affidavit, and re-note his motion so that Plaintiff Ayers  
25 may have an opportunity to file a response.  
26 (2) Defendant Randall Griffith's motion for summary judgment (Dkt. #69) and present noting  
27 date shall be **stricken** from the Court's calendar.  
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1 (3) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.  
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3 DATED this 12th day of March, 2009.  
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7 Karen L. Strombom  
8 United States Magistrate Judge  
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